

AMENDED IN ASSEMBLY JUNE 23, 2003

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE APRIL 3, 2003

**SENATE BILL**

**No. 792**

**Introduced by Senator Sher**

February 21, 2003

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An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, Sher. Jurisdiction: foreign forums.

Existing law requires the court to stay or dismiss any action in whole or in part upon a finding in the interest of substantial justice that the action should be heard outside the state, except as specified.

This bill would ~~permit~~ *require* a petitioner in regard to this interest in specified actions to present evidence of the availability and adequacy of the alternative foreign forum. *The bill would also specify the intent of the Legislature in this regard.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 410.30 of the Code of Civil Procedure  
2 is amended to read:  
3 410.30. (a) If a court upon motion of a party or its own  
4 motion finds that in the interest of substantial justice an action  
5 should be heard in a forum outside this state, the court shall stay

1 or dismiss the action in whole or in part on any condition that may  
2 be just.

3 (b) In determining the interest of substantial justice in any  
4 action by a natural person for damages for death or personal injury  
5 in a foreign country, the petitioner ~~may~~ *shall* present evidence of  
6 the availability and adequacy of the foreign forum, which ~~may~~  
7 *shall* include, but not be limited to, any relevant pronouncement  
8 of a foreign country's executive, legislative, or judicial branch,  
9 and any relevant findings or reports of international organizations,  
10 such as the United Nations Commission on Human Rights or the  
11 Organization of American States Juridical Committee.

12 (c) *Nothing in this section may be construed as inconsistent*  
13 *with decisions of the California courts in effect on January 1, 2004.*

14 (d) The provisions of Section 418.10 do not apply to a motion  
15 to stay or dismiss the action by a defendant who has made a general  
16 appearance.

17 *SEC. 2. It is the intent of the Legislature in enacting Section*  
18 *1 of this act to ensure that a petitioner provides the court with all*  
19 *relevant information at the earliest time possible in order to*  
20 *expedite the decision-making process, to conserve court time and*  
21 *judicial resources. However, it is not the intent of the Legislature*  
22 *to create a new standard regarding the stay or dismissal of any*  
23 *action in whole or in part.*

